

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENLYTE THOMAS GROUP LLC,

Plaintiff/Counterclaim Defendant,
v.

ARCHITECTURAL LIGHTING SYSTEMS, a
division of ARCH LIGHTING GROUP,

Defendant/Counterclaimant.

Civil Action No. 05-CV-10945 WGY

**DEFENDANT'S RESPONSE TO GENLYTE THOMAS
GROUP LLC'S COUNTERSTATEMENT OF FACTS**

Pursuant to Local Rule 56.1, Defendant, Arch Lighting Group, Inc. ("ALS"), hereby responds to Plaintiff Genlyte Thomas Group LLC's Counterstatement of Facts as follows:

24. ALS' MultMed products are ceiling-mounted over a hospital bed with one end of the luminaire adjacent to a vertical wall surface (or headwall).

Response: ALS does not dispute paragraph 24.

25. The "reading" fixture of ALS' MultMed products direct light downwardly to a selected reading area under the fixture.

Response: ALS does not dispute paragraph 25.

26. The photometric report for ALS' MultMed products provides that the "reading" fixture direct 770 lumens (56.2% of total lumens) to the area between 0 degrees (i.e. straight down to the patient bed) and 45 degrees. This is the "downward" component of the "reading" fixture of the MultMed products.

Response: ALS does not dispute the first sentence of paragraph 26. ALS does dispute the assertion that the area between 0 degrees and 45 degrees is "downward" within the meaning of

the '254 Patent.

27. The photometric report for ALS' MulTMed products provides that the "reading fixture directs 0 lumens (0% of the total lumens) above the fixture (i.e. in the area between 90 degrees and 180 degrees). This is the upward component of the MulTMed products.

Response: ALS does not dispute paragraph 27.

28. More than half the lumen output of the "reading" fixture of ALS' MulTMed products is directed to the area between 0 degrees (i.e. straight down to the patient bed) and 45 degrees. In other words, more than half of the total lumen output of the "reading" fixture is directed downwardly to an area that includes a selected reading area.

Response: ALS does not dispute paragraph 28. However, ALS does dispute the suggestion that this fact, as stated, is relevant to this case since it does not accurately state the Court's claim interpretation.

29. The "ambient fixture of ALS' MulTMed products direct light downwardly and outwardly to a vertical wall.

Response: ALS does not dispute paragraph 29. However, ALS does dispute the suggestion that this fact, as stated, is relevant to this case since it does not accurately state the Court's claim interpretation.

30. The photometric report for ALS' MulTMed products provides that the "ambient" fixture directs 2620 lumens (100% of the total lumens to the area between 0 degrees (i.e. straight down to the patient bed) and 90 degrees (i.e. along the ceiling or horizontal) and 0 lumens (0% of the total lumens) above the fixture (i.e. in the area between 90 degrees and 180 degrees). In other words, all of the light from the "ambient" fixture is directed either downwardly or outwardly, and none of the light is directed upwardly.

Response: ALS does not dispute paragraph 30. However, ALS does dispute the suggestion that this fact, as stated, is relevant to this case since it does not accurately state the Court's claim interpretation.

31. Therefore, the "ambient" fixture of the ALS' MulTMed products are set or arranged to direct more light downwardly and outwardly than upwardly to a vertical wall.

Response: ALS does not dispute paragraph 31. However, ALS does dispute the suggestion that this fact, as stated, is relevant to this case since it does not accurately state the Court's claim interpretation.

Respectfully submitted,

Dated: November 22, 2006

s/ Brett N. Dorny
Brett N. Dorny, BBO# 628,977
Law Office of Brett N. Dorny
386 West Main Street, Suite 12A
Northborough, Massachusetts 01532
508-709-0501
bndorny@dornylaw.com

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 22, 2006.

s/ Brett N. Dorny
Brett N. Dorny